

# PLANNING COMMISSION

## ACTION MINUTES

TUESDAY, SEPTEMBER 20, 2005

### 1. ROLL CALL:

Present, Commissioners: Parsons, Dickenson, Frautschi, Long, Gibson, Wozniak

Absent, Commissioners: Horton

Present, Staff: Interim Community Development Director de Melo (ICDD), Zoning Technician Gill (ZT), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

### 2. AGENDA AMENDMENTS: None

### 3. COMMUNITY FORUM: None

### 4. CONSENT CALENDAR:

#### 4A. Revised Resolution, Conditions of Approval, and Final Landscape Plan for Notre Dame de Namur University Athletic Field Project - 1500 Ralston Avenue

C Frautschi recused himself from this discussion as he lives within 300' of the project.

ICDD de Melo summarized the staff memorandum, recommending approval of the landscape plan and revised language for Conditions 7, 8, 9, and 10, noting that revised language for Conditions 8 and 9, defining what activities and noise will take place on the athletic field, was at the table.

C Wozniak asked about a condition that would state that the applicant needs to post the operational conditions on their site. ICDD de Melo answered that it is not discussed in the report but that they could add a condition specifying where they should be posted. C Wozniak suggested that they be posted in the office and on their equipment building. She also had concerns about a baseline for their activities and how a noise ordinance would affect the conditions. ICDD de Melo responded that the City is still formulating the Noise Ordinance Committee to address global changes to the noise ordinance throughout the entire City. The University will be bound by that noise ordinance and that they will have established more specific criteria, stricter standards, for this use for this site.

C Long was disappointed about the number of proposed Redwood trees and that the intersection at Chula Vista will be greatly shaded by removal of the 30-plus Eucalyptus trees.

C Gibson felt that somebody should go up on the hill during a game to hear how the noise carries up there, and C Long added there should be consideration for the people living on the hill by Miramar Terrace. The Resolution talks about aiming the speakers in the opposite direction away from Ralston and he feels they may be fixing one problem and creating another. ICDD de Melo stated that the actual language states that the University must orient the speakers consistent with the most optimal placement in the noise study.

**MOTION: By C Gibson, seconded by C Long, adopting the Resolution approving a Conditional Use Permit and associated Detailed Development Plan, Design Review, Grading Plan and Tree Removal Permit for Notre Dame de Namur University at 1500 Ralston Avenue with the Conditions of Approval attached and the addition of a condition requiring that they be posted on site at the discretion of the Planning Department. (Appl. 2005-0038)**

**Ayes: Gibson, Long, Dickenson, Wozniak, Parson**

**Noes: None**

**Recused: Frautschi**

**Absent: Horton**

**Motion passed 5/0/1/1**

Chair Parsons stated that this item can be appealed to City Council within 10 days.

## **5. PUBLIC HEARINGS:**

### **5A. PUBLIC HEARING – 10 SPRING LANE**

To consider a Single-Family Design Review to construct a 744 square-foot addition to the existing 2,108 square-foot single-family residence for a total of 2,852 square feet that is below the zoning district permitted 3,480 square feet for the site. (Appl. No. 2005-0029)

APN: 045-202-190; Zoned: R-1A (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303

Owner/Applicant: Michael F. Oertwig

ZT Gill summarized the staff report, recommending approval subject to the conditions of approval attached. There were no questions from the Commission.

Chair Gibson opened the public hearing. No speakers came forward.

**MOTION: By C Gibson, seconded by VC Dickenson, to close the public hearing. Motion passed.**

C Frautschi stated it is a very nice design. He added that, since the addition will affect the front of the house from the street side, he recommended a landscape plan following the guidelines in F-1 to use native species plants to soften the foundation at the front of the house. He also recommended removal of the concrete from the south side of the driveway and replace it with a landscaped area and as part of the landscape plan he would like to see some motion towards either new concrete or pavers or something similar. He also commented that he likes shake roofs but likes the composite they have chosen, and suggested they think about removing the brick from the front façade since he feels it dates the appearance of the house.

C Gibson concurred that he likes the project, especially the angled front porch.

C Wozniak and C Long liked the fact that it does not go to the maximum size.

Chair Parsons liked the design and noted that, since it is technically illegal to park on paving to the left of the driveway, he agreed that it would be more attractive to remove it. He recommended that they add that requirement to the Conditions of Approval as well as a requirement for a landscape plan.

**MOTION: By C Frautschi, seconded by VC Dickenson, adopting the resolution approving a Single-Family Design Review at 10 Spring Lane, with Exhibit A attached, and with the addition that the applicant provide a landscape plan that includes the removal of the concrete to the south side of the driveway, replacement of the driveway surface with their choice of materials, and the addition of native planting to augment the foundation. (Appl. 2005-0029)**

**Ayes: Frautschi, Dickenson, Gibson, Long, Wozniak, Parsons**

**Noes: None**

**Absent: Horton**

**Motion Passed 6/0/1**

Chair Parsons noted that this item can be appealed to City Council within 10 days.

Mike Oertwig, owner explained that the reason for the cement pad along the side of the property was due to the mudslide that happened 4 years previously, and that the drainage between his property and the next door neighbor's goes over the V-ditches onto the neighbor's property as

well as onto the cement pad. He was concerned that if the cement is removed and items planted at that location it will be wiped out during heavy storms. VC Dickenson stated that when their plans go through Public Works they will probably require a French drain pouring out to the sidewalk, which should alleviate the issue with landscaping slipping in the front yard, or they might recommend that the area not be landscaped.

## **5B. PUBLIC HEARING – 1301 Ralston Avenue**

To consider a Mitigated Negative Declaration, General Plan Amendment, Conceptual Development Plan Amendment, and a Vesting Tentative Subdivision to allow development of Ralston Village Phase 2, a Senior Congregate Care community within the 17.1 acre project site.

ICDD de Melo summarized the Staff Report as follows: A Memorandum was prepared that describes the questions which the Commission raised during the July 19<sup>th</sup> meeting. The responses were prepared by the applicant and staff. A draft resolution to approve the project consistent with the direction of July 19, 2005 was also prepared. A representative from the Police Department was available to answer questions with regard to the 911 telephone calls. Regarding the left turn issue to the western driveway entrance that is proposed for the facility, the Public Works Department as well as the Police Department voiced concerns with this proposal and recommended it should be a right turn in and right turn out only.

C Gibson asked if the responses were from the Police or Fire Department. ICDD De Melo stated the Police Department was the first to respond. Sgt. Halleran introduced himself and stated the calls were handled from the dispatch center. All 911 calls go to their department first, medical or fire, they dispatch out to them. Explains the majority of the calls to Sunrise or Village are medical calls, the Fire Department is dispatched to each of those calls, Police Department will be there depending on the circumstances. Stated the call volumes have increased this year for the 1301 Ralston facility.

C Wozniak inquired about the calculation for park dedication. ICDD de Melo verified that she meant the Park and Lieu fee and stated it is based on the Fair Market Value of a property that would have to be dedicated for parkland purposes.

C Frautschi asked through the Chair regarding the Conceptual Development Plans, inquiring from ICDD de Melo what A CDP actually is. He asked if he would explain it to everyone at the meeting. Carlos stated that CDP's (Conceptual Development Plans) are not looked at often, and outlined that it is the underlying land use for the site, the general placement of buildings, general set backs, parking, and space. A CDP is normally not as detailed as the applicants CDP before you.

Mr. Roos explained to the Commission they will answer any questions they have and answered Frautschi's comments on CC&R's. Stated the CC&R was in more detail to explain to the Commission their plan.

C Frautschi inquired about page 5, qualified permanent disabled residents and wanted to know where the 80% occupancy arises and if it is a flexible number. Paul Gordon introduced himself, and he explained the 80% figure is from the Fair Housing Act and also exclude families with children and age limit of 80% of the units be occupied by at least one senior person.

C Frautschi asked why the Senior Congregational Care compliance verification was not done every year. Paul Gordon explained that the age verification is every two years according to the Federal Fair Housing Act.

VC Dickenson was concerned about the Security System and when it was implemented. Brad Liebman explained they always had a Maintenance Supervisor and an Assistant walking the area which is part of their duties but was never in written form. He stated they will have a formal plan documented to implement this security and they also now have a 24 hour roaming security system where the area is always patrolled.

C. Long inquired about flooding on this site and what contingency plans were in place. Joe Roos explained the iterations of the plans were to improve the water flow release from the hills. They are planning a system to protect the building so running water will flow around the building and to also put an additional manhole near the building.

Chair Parsons Opened the Public Hearing.

No one came forward to speak.

VC Dickenson motioned to close the Public Hearing. C. Long second the motion.

C Wozniak stated she had seen this project for the past 4 years and had several comments. She believed that some senior residents will sell their houses and move into a small condominium for around the same price as their home and felt many Belmont seniors will choose to live there. She felt that most people over 60 years old would not generate much traffic. She explained that the Ralston and Chula Vista area has more traffic in the morning, and that adding another development would make the traffic heavier. She also would like to see a larger set back since it's a larger building and is next to single family homes.

VC Dickenson stated he believed this was project is good. He was not in favor of modifying the General Plan and believed that a four-way controlled intersection was needed at the exit or entrance directly across from properties so traffic could be controlled at all times.

C Gibson was comfortable with the set backs and believed that the current configuration was reasonable. He felt this development would appeal to Belmont seniors and believed most seniors would rather live in smaller homes and still live in Belmont. He was concerned about the Traffic Studies, and felt there would be some traffic impact and hoped that City Council would consider a traffic light.

C Frautschi spoke, indicating that he would like to amend the plan in relation to:

- Overall land uses.
- Building size and location.
- General circulation layouts.

He described Belmont Zoning Ordinance 16-7, where the Council is tasked to make a specific finding as to amending the General Plan based on a Health Care building model they refer to as Senior Congregate Facility. His statements centered on the following:

- Is a Senior Congregate Care Facility as proposed really needed in Belmont, and is this the best and most effective proposal that meets Belmont's future needs? He believes it does not. Belmont's General Plan Goals 2006.2 and 2007.2 address housing needs and variety of types and density that provides housing that meet different lifestyles and incomes that meet in the community. There is no proposal in the plan that offers below market rate units.
- The overall land uses. The General Plan specifically designates Ralston Village Phase I and II as institutional. Emphasized in his words as limited expansion of the existing medical use of the site, possibly including medical offices in the future.
- Building sizes and locations. The current proposed project is 141,000 square feet of 55 units with an average size of 1,470 feet per unit which is too large, therefore incompatible with the surrounding residential community. An R-1H Zone has a minimum set back of 30 feet; this site should have a minimum setback of 45 feet from its western property line for the entire proposed structure. Due to the size and potential needs for the parking requirements, for employees, residents and caregivers, there can be no compromise. The project must provide all the required parking for their proposed needs.
- General Circulation Layouts. The layouts of the proposed project seem adequate however, introducing a project of this size along an already over taxed Ralston Avenue is not a prudent step to recommend Council take in Belmont's best interest. Placing a condominium complex adjacent to Ralston Avenue can and will increase traffic backups along this route no matter what the applicant's traffic study states. Also stated if this project should move forward, the applicant be required to pay for traffic mitigation costs such as separation of pedestrian and

cyclists from the Ralston Corridor by establishing a path from the proposed western entrance to the site to a trail connecting it to Twin Pines Park. Also there should be a consideration of one entrance to the property with mitigation fees to cover the placement of a controlled signal entrance and exit.

C Gibson felt this was a good project. He was concerned with the two traffic entrances and believed that one would be better. He would like to see a stronger pedestrian connection, and the noise issue, such as the A/C and water cooler location still needed to be resolved. He would like to re-look at the set back once again and felt the size of the project could be smaller, and stated the applicant did a great job downsizing it from its original design.

C Long asked if the alternatives for the meeting tonight were to change the plan or to continue this project. He was concerned about deferring issues to the DDP since some items were changed in Summer Hill such as the landscape plan. He stated the General Plan should not be changed nor would he support this plan but, would consider a continuance.

**MOTION: By C Long that the Planning Commission continue the application for a General Plan Amendment, Conceptual Development Plan Amendment, Vesting Tentative Subdivision Map and Mitigated Negative Declaration for Ralston Village Phase II Senior Residential Development at 1301 Ralston Avenue. Issues to be resolved would be traffic mitigation, parks funding, sidewalk improvements, Twin Pines Senior Center enhancement, and a way for Belmont residents to have admission priority and/or a reduced rate. These items could be wrapped up into a dollar figure that the applicant would be willing to put forth to allow the City to solve these issues. (Appl. 2002-0017)**

**Motion failed for lack of a second.**

Responding to Chair Parsons question as to whether the financial aspects of the issues listed by C Long falls within the Planning Commission's decision-making process, ICDD de Melo reminded the Commission of the Summerhill Homes development where there was a loss-of-pool mitigation fee that was tied to loss of the JCC pool. That fee was discussed at the Commission level but taken to the Council for review of a CDP amendment or establishment of the planned development. There was a \$1 million fee agreed to by the applicant that covered the loss of the pool. He added that if the Commission is able to determine to a nexus for these issues, it could

VC Dickenson stated that there can be traffic measures put in place or a fee, but to bring the financial aspects to us is a moot point because ultimately this is going to be dealt with at another step. He suggested that they proceed to individually list their issues and address them because he felt that this project had gone on far too long to hold it up with some minor technical issues. He felt it was important to take the next step forward.

- **Traffic on Ralston (looking at ways to mitigate traffic, not just from this proposed development but from the existing situation, whether it is signals or another form)**
- **Path along Ralston (may require an easement)**
- **Noise (to be resolved at the DDP)**
- **Impacts on the Senior Center and possible mitigations**
- **911 Usage and possible mitigations**

**Ayes:** Gibson, Dickenson, Parson

**Noes:** Frautschi, Long, Wozniak



**Absent: Horton**

**Motion tied 3/3/1**

CA Zafferano suggested that they revert to C Long's original motion to determine whether there is a second to that motion.

**MOTION: By C Long to renew his motion to continue the General Plan Amendment, Conceptual Development Plan Amendment, Vesting Tentative Subdivision Map and Mitigated Negative Declaration for Ralston Village Phase II Senior Residential Development at 1301 Ralston Avenue. Motion seconded by C Frautschi.**

**Ayes: Long, Parsons**

**Noes: Frautschi, Gibson, Wozniak, Dickenson**

**Absent: Horton**

**Motion failed: 2/4/1**

CA Zafferano stated that the remaining option is to make a motion to deny the project; if that fails or is tied, the matter would be forwarded to the City Council without a recommendation of the Planning Commission.

C Gibson asked staff if they could make a recommendation only on the General Plan amendment, and not the other requested entitlements. ICDD de Melo stated that the project entitlements are intertwined. It is not fatal to not make a recommendation to the Council – they would duly note, via a staff report, what the Commission's concerns are and would take it up automatically. CA Zafferano stated that if they could get a majority on any of the matters before them, they could forward that recommendation to the Council but if they could not get a majority on that, then that would be forwarded to Council anyway with an indication that there was not a recommendation one way or the other.

C Parsons stated that they have an opportunity to move this project forward and should trust their own abilities to resolve the issues that remain in the DDP process. Discussion ensued about what they should recommend to Council.

**MOTION: By C Gibson, seconded by C Dickenson, that the Commission makes no recommendation on any of the entitlements, and voices the following concerns for the Council to pick up as part of their deliberation of the project:**

- **Traffic on Ralston (looking at ways to mitigate traffic, not just from this proposed development but from the existing situation, whether it is signals or another form)**
- **Path along Ralston (may require an easement) and evaluation of a path along the south side of the property along the conservation easement**
- **Noise (to be resolved at the DTP)**
- **Impacts on the Senior Center and Parks funding and possible mitigations**
- **911 Usage and possible mitigations**
- **Sidewalk solution**
- **Possible shuttle solution around Belmont**

CA Zafferano believed that a “3/3 no recommendation” would be a cleaner solution than this motion because they will probably pass a motion to not recommend anything. He suggested that staff should forward to the City Council a report indicating that the Planning Commission was unable to make a recommendation on the project but would provide a list of all concerns expressed at the meeting.

**C Frautschi withdrew his second and C Gibson withdrew the motion.**

**6. OLD BUSINESS:**

**6A. Review of Final Landscape Plan for 3317 Adelaide Way**

ICDD de Melo summarized this as being the first secondary unit that was approved under the City's new ordinance. It was a detached unit and the Commission was largely pleased with the project. The Commission had recommended a shift 5 to 10 feet from the easement area and the applicant has made the change relative to the site plan and the corresponding landscape plan. The landscape architect put in a global plant list of selected plants, and the plantings that are added to this project are constituted by the numbers of 5- and 1-gallon shrubs that will largely surround the new in-law unit and augment the existing landscaping along the property edges in the rear yard. Staff concurred with the proposed changes.

Chair Parsons recalled that he believed the Commission had suggested that a tree be planted in the front yard. ICDD de Melo stated that the applicants had agreed to plant a tree in the front yard if the Commission requested. C Frautschi commented that three of the plant that the applicant chose will be destroyed by deer and should not be used

**MOTION: By C Frautschi, seconded by VC Dickenson, adopting the resolution approving the Final Landscape plan for 3317 Adelaide Way, with the addition of a native species tree in the front yard. (Appl. 2004-0081)**

**Ayes: Frautschi, Dickenson, Gibson, Wozniak, Parsons**

**Noes: None**

**Abstain: Long**

**Absent: Horton**

**Motion Passed 5/0/1**

**7. REPORTS, STUDIES, UPDATES, COMMENTS:**

C Frautschi stated that the City Council Calendar needs to be corrected to show that the Planning Commission no longer meets in the Senior Center. ICDD de Melo agreed to forward that correction to the City Manager's office.

C Long stated he will be absent for the October 18, 2005 meeting

VC Dickenson asked for the status of Wendys. ICDD de Melo stated he could provide a status report at the next meeting, and will include concerns regarding McDonalds, the UniCal Station and Indulge Buffet signage. He confirmed that Indulge was provided with a master sign program before they opened but they have chosen to add additional signage not in concert.

C Frautschi asked about the code enforcement at Avanti Pizza's landscape plan. He stated that they cut down all the trees on Ralston at their property and he would like to know what is supposed to be there. He also asked about the status of a cabaret license for Hola since they advertise that they are going to have the Mariachi bands again. ICDD will follow up on this item.

ICDD de Melo stated that he had been remiss in not introducing the new Associate Planner, Jennifer Walker, who had sat through the entire meeting, adding that they were excited to have her on staff.

**7. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 27, 2005**

Liaison: Commissioner Frautschi

Alternate Liaison: Commissioner Long

**8. ADJOURNMENT:**

The meeting adjourned at 10:00 p.m. to a regular meeting on Tuesday, October 4, 2005 at 7:00 p.m. at One Twin Pines Lane, 2<sup>nd</sup> Floor Council Chambers.

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Carlos de Melo

Interim Planning Commission Secretary

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Community Development Department

*Please call (650) 595-7416 to schedule an appointment.*